

Amendment and Response

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Serial No.: 10/669,384

Confirmation No.: 3937

Filed: September 24, 2003

For: METHODS FOR FORMING A CONDUCTIVE STRUCTURE USING OXYGEN DIFFUSION THROUGH ONE METAL LAYER TO OXIDIZE A SECOND METAL LAYER (As Amended)

Remarks

The Office Action of 19 December 2006 has been received and reviewed. No claims have been amended, canceled, or added. Therefore, the pending claims are claims 67-114 (with claims 96-114 having been withdrawn from consideration). Reconsideration and withdrawal of the rejections are respectfully requested in view of the remarks provided herein.

Double Patenting Rejection

Claims 67-95 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,534,357. Upon an indication of otherwise allowable subject matter and in the event this rejection is maintained, Applicants will provide an appropriate response.

Claim Objections

Claims 75, 87, and 95 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, at this time, claims 75, 87, and 95 have not been modified because it is believed that such claims are dependent from claims that are allowable as discussed herein.

The 35 U.S.C. § 103 Rejections

Claims 67-69, 71-74, 78, 80, 83-86, and 88-90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kingon et al. (U.S. Patent No. 5,555,486) in view of Yoon et al. (*Electrochemical and Solid-State Letters*, 2000 August; 3(8):373-376) and Al-Shareef et al. (U.S. Patent No. 6,281,543).

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Claims 70, 76, 77, 79, 81, 82, and 91-94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kingon et al., Yoon et al., and Al-Shareef et al. as applied to claims 67, 78, and 89, and further in view of Basceri et al. (U.S. Patent No. 6,482,736).

Applicants respectfully traverse these rejections.

The present application was filed 24 September 2003, as a continuation of application Serial No. 10/227,662, filed on 26 August 2002, which was a divisional of application Serial No. 09/711,206, filed on 9 November 2000. As a result, the present application is entitled to an effective filing date of 9 November 2000.

U.S. Patent No. 6,281,543 to Al-Shareef et al. issued on 28 August 2001 from an application filed on 31 August 1999. As a result, Al-Shareef et al. qualifies as prior art to the present application only under 35 U.S.C. § 102(e).

Applicants respectfully submit that Al-Shareef et al. is not available as prior art for purposes of determining patentability of the present invention under 35 U.S.C. § 103(a) (i.e., non-obviousness requirements) in view of 35 U.S.C. § 103(c) as effective November 29, 1999. At the time the invention of the instant application was made, the claimed invention and Al-Shareef et al. (U.S. Patent No. 6,281,543) were owned by or subject to an obligation of assignment to the same entity.

As each of the rejections relies on Al-Shareef et al., and this reference is not available as prior art under 35 U.S.C. § 103(a), Applicants respectfully submit that the rejections have been rendered moot. Therefore, Applicants submit that a *prima facie* case of obviousness of claims 67-74, 76-86, and 88-94 has not been established. Applicants respectfully request reconsideration and withdrawal of the rejections.

Applicants do, however, expressly reserve the right to traverse any assertions made in support of this rejection and also expressly reserve the right to remove the references to Kingon et al., Yoon et al., and Basceri et al. from consideration as references against the present application.

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Summary

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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19 April 2007
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this Transmittal Cover Sheet and the paper(s), as described hereinabove, are being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of April, 2007, at 2:05pm (Central Time).

By: 

Name: SAM E. WIGAN
